

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

INTERFORM INCORPORATED,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO:
	§	
NEWELL RUBBERMAID, INC.,	§	
SANFORD, L.P., and MITSUBISHI	§	
PENCIL CO.	§	
	§	
Defendants.	§	

COMPLAINT FOR PATENT INFRINGEMENT

Interform Incorporated hereby alleges for its Complaint against defendants Newell Rubbermaid, Inc., Sanford, L.P., and Mitsubishi Pencil Co. on personal knowledge as to its own actions and on information and belief as to the actions of others, as follows:

I. THE PARTIES

1. Plaintiff InterForm Incorporated is a corporation that maintains its principal place of business at 640 Southpointe Court, Suite 220, Colorado Springs, Colorado 80906. Interform is herein after referred to as "Plaintiff".
2. Defendant Newell Rubbermaid Incorporated (hereinafter as "Defendant/s") is a Delaware corporation that maintains it principal place of business at 10 Glenlake Parkway, Atlanta, Georgia 30328.
3. Defendant Newell Rubbermaid Incorporated conducts business in Texas and can be served with process through their Registered Agent for Service, Corporation Service Company, 2711 Centerville Rd. Ste. 400, Wilmington, DE 19808.

4. Defendant Sanford, L.P. (hereinafter as “Defendant/s”) is a wholly owned subsidiary of Newell Rubbermaid Incorporated. Sanford maintains its principal place of business at Oak Brook, Illinois and conducts business in Texas.

5. Defendant Sanford, L.P. can be served with process through their Registered Agent for Service, Illinois Corporation Service Company, 801 Adlai Stevenson Dr., Springfield, Illinois 62703.

6. Defendant Mitsubishi Pencil Company (hereinafter as “Defendant/s”) is a foreign corporation that maintains its principal place of business at 5-23-37, Higashi-ohi, Shinagawa-ku, Tokyo 130-8537, Japan.

II. JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271 et seq. and 28 U.S.C. § 1338.

8. Personal jurisdiction exists generally over the Defendants because there exists sufficient contact with the forum as a result of business conducted within the State of Texas and within this district. Personal jurisdiction also exists specifically over the Defendants because Defendants makes, uses, offers to sell, sells and imports infringing products within the State of Texas and within this district.

9. Venue is proper in this Court under U.S.C. §§ 1391 (b), (c), and (d), as well as 28 U.S.C. § 1400(b).

III. PATENT INFRINGEMENT

10. Plaintiff, InterForm, is the owner of all rights, title and interest in and under United States Patent No. 6,447,190 C1 (“the ‘190 patent”) entitled “Viscoelastic Grip for a Writing

Implement", which duly and legally issued by U.S. Patent & Trademark Office as Recertified on December 20, 2012 (attached hereto as Exhibit A), after an Inter Partes Reexamination. Furthermore, on June 13, 2012 the Federal Circuit Court of Appeals upheld the ruling from U.S. Patent and Trademark Office. (Attached hereto as Exhibit B)

11. Defendants have been and continue to infringe the '190 patent by making, using, selling, offering to sell and import numerous writing implements having a viscoelastic grip, including but not limited to at least the pen sold as the "Uni-ball 207 Premier", "Papermate PhD Multi" utilizing the technology of the '190 patent as sold and manufactured by defendants. Such acts by the Defendants are without authorization and fall within the scope of one or more claims of the '190 Patent.

12. Defendants will continue to infringe the '190 patent unless enjoined by this Court under 35 U.S.C. § 283.

13. Defendants willfully infringe the '190 patent and the Court should treble any and all damages under 35 U.S.C. § 284.

14. This is an exceptional case within the meaning of 35 U.S.C. § 285.

IV. PRAYER FOR RELIEF

Plaintiff respectfully request the following relief:

- A. That the Court declare that the '190 patent is valid and enforceable and that it is infringed by Defendants;
- B. That the Court enter an injunction against the Defendants infringement of the '190 patent;
- C. That the Court award damages to Plaintiff to which they are entitled for patent infringement;

- D. That the Court award interest on the damages to Plaintiff;
- E. That the Court award to Plaintiff costs and attorneys' fees incurred in this action;
- F. That the Court treble the damages for Defendants willful infringement, and;
- G. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

By: /s/Andrew W. Spangler
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**ATTORNEYS FOR PLAINTIFF
INTERFORM, INC.**